

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO WHEELER,

Plaintiff,
vs.

THE STATE OF NEVADA, *et. al.*,

Defendants.

Case No.: 2:24-cv-00838-GMN-NJK

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 4), of
United States Magistrate Judge Nancy J. Koppe, which recommends dismissing Plaintiff’s
claims against the Clark County Commissioners without leave to amend because the actions of
the commissioners in drafting and enacting County Codes are entitled to legislative immunity.
The R&R further recommends dismissing the claim against the State of Nevada without leave
to amend because the Eleventh Amendment prohibits federal courts from hearing suits brought
against an unconsenting state.¹

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge's findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any

¹ The R&R's conclusion recommends dismissal of the claim against Kevin McMahill without leave to amend. The analysis in the R&R, however, recommends that the claims be dismissed without prejudice. Agreeing with the analysis in the R&R, the Court does not dismiss the claim against Kevin McMahill with prejudice.

1 review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S.
2 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a
3 district court is not required to review a magistrate judge’s R&R where no objections have been
4 filed. *See, e.g.*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

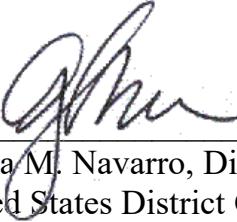
5 Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF
6 No. 4) (setting a September 5, 2024, deadline for objections).

7 Accordingly,

8 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 4), is
9 **ACCEPTED and ADOPTED** in full.

10 **IT IS FURTHER ORDERED** that the claims against the Clark County Commissioners
11 and the State of Nevada are **DISMISSED without leave to amend**.

12 Dated this 8 day of November, 2024.

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Gloria M. Navarro, District Judge
United States District Court

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